



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,  
  
Plaintiff,  
  
v.  
  
ESPERANZA ELIZALDE FLORES,  
et al.,  
  
Defendants.

NO. CV 12-10289-UA (DUTYx)

**ORDER SUMMARILY  
REMANDING IMPROPERLY  
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On December 3, 2012, Defendant, having been sued in an unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also filed a request to proceed *in forma pauperis*. The Court has denied the latter request under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.<sup>1</sup>

<sup>1</sup> On December 31, 2012, Plaintiff filed a motion to remand. The motion (Dkt. No. 3) is DENIED as moot.

1           Simply stated, Plaintiff could not have brought this action in federal court in  
2 the first place in that the complaint does not competently allege facts supporting  
3 jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see *Exxon*  
4 *Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L.  
5 Ed. 2d 502 (2005). Defendant alleges that federal question jurisdiction arises  
6 under the Federal Fair Debt Collection Practices Act, the Real Estate Settlement  
7 Procedures Act, and the Truth in Lending Act. (Notice at 2.) However, Plaintiff  
8 does not allege any federal cause of action. (See *id.*, Ex. A, Complaint.) Nor  
9 does it appear that federal law is a necessary element of Plaintiff's claim. Thus,  
10 Defendant has not alleged facts establishing the existence of a federal question  
11 on the face of the complaint.

12           Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
13 Superior Court of California, Los Angeles County, Bellflower Courthouse, 10025  
14 East Flower Street, Bellflower, CA 90706 for lack of subject matter jurisdiction  
15 pursuant to 28 U.S.C. § 1447(c); and (2) the Clerk send a certified copy of this  
16 Order to the state court.

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18  
19 DATED: 1/11/13

  
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GEORGE H. KING  
United States District Judge